

Remarks/Arguments

This Amendment has been prepared and filed in response to the Office Action of July 27, 2006 taken with respect to the above-identified U.S. Patent Application.

In that Action, the Examiner (a) objected to the drawings, (b) objected to certain language contained on designated pages in the specification, (c) objected to certain language present in originally filed claims 4 and 5, (d) objected to claim 1 under 35 U.S.C. § 112, asserting her belief that there is a certain characteristic of indefiniteness in this claim as originally written, (e) rejected claims 1 and 3 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,268,033 to Goodacre, and (f) rejected claims 2, 4, 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Goodacre in view of U.S. Patent No. 2,639,051 to Thomas.

Applicant has thoughtfully reviewed the Examiner's Action and comments, has also thoroughly reviewed the disclosure content of, and claims presented in, the present patent application, and by the present Amendment proposes certain claim changes, along with certain modest specification and drawing revisions, which are believed to address all of the Examiner's relevant comments, and to place all claims remaining in this case, on the basis of entry of this Amendment, in conditions for full formal allowance. No change proposed by this Amendment introduces any new matter.

With regard to revisions made in the claims, claims 1, 2 and 5 have been currently amended, and claims 3, 4 and 6 have been cancelled without prejudice.

With respect to the specification, modest language changes have been made on pages 4, 5, 6 and 8 to address, effectively, all of the Examiner's relevant technical language

objections regarding these pages, and additionally to correct certain inadvertent typographical errors. These changes in the specification, additionally, functionally address the Examiner's specific objection to the drawings, and also provide an antecedent basis for certain language now appearing in currently amended claim 1.

With regard to the drawings, wherein minor corrective changes in Figs. 1 and 3 regarding the reference characters 38, 38_a and 38_b have been made, applicant has submitted with this Amendment a six-page Appendix containing three Replacement Sheets of Drawings which are to replace the three Replaced Sheets of Drawings which also form content in the mentioned Appendix. The Replacement Drawing Sheets contain formal drawings, and the Replaced Drawings Sheets contain the originally filed, semi-formal drawings.

Addressing now the patentability of applicant's claimed invention, applicant's transporter includes a cage-like structure, the inside of which is designed *not* to hold any load, *per se*, (i.e., within the cage), but rather to hold one or more worker(s) who is/are enabled to reach upwardly through the open top of this cage-like structure into an overhead region formed as a load-support deck structure, on which *all transported loads* are thus handled by the transporter -- *handled, that is in the region above the cage-like structure*. Thus, applicant's cage structure, on its inside, is a dedicated worker-carrying structure, as distinguished from being a work-load-carrying structure. The transporter of the invention possesses opposite-side (a) fork-receiving, and (b) load-lateral-delivery, sides, and the overhead load-support deck structure is equipped, adjacent the fork-receiving side of the transporter, with load-stop risers which positively prevent any lateral off-loading of a carried load in a direction aimed toward the fork-receiving side of the

transporter.

Current amendments in independent, parent claim 1 now clearly bring out this cage-interior dedication to worker carrying (as distinguished from work-load carrying) feature of applicant's invention.

The principal reference to Goodacre, while disclosing a somewhat open, cage-like structure, *does not disclose such a structure which is other than for holding, inside, a load, per se*, rather than any worker. The Goodacre cage-like structure interior is dedicated to work-load holding. It does *not* apparently, include an open, inside, overhead region to expose from below anything remotely resembling applicant's load-support deck structure, and indeed, such an arrangement would have no useful purpose in the reference structure. If the Examiner will carefully note the drawings in the Goodacre patent, she will observe that surface-marking cross-hatching is presented (especially well in Fig. 1) to mark the extensive, continuous surface of an overhead roof structure (over the cage-like structure), and also to mark the continuous, lateral surface expanse of a lateral gate structure, so as to indicate that, effectively, these regions are closed, (i.e., spanned, or bridged) by some form of a surface-expanse structure. The overhead expanse of the Goodacre somewhat cage-like structure is thus essentially closed. There is, of course, no reason to have the cage-like structure open at its top.

Notwithstanding this difference between the cited and applied Goodacre reference and applicant's claimed invention, in addition, nothing like applicant's now clearly structurally recited *overhead load-support deck structure* is present in, or suggested by, the Goodacre reference.

In relation to the Examiner's secondary cited and applied prior art, Thomas, the Thomas reference does nothing to mend the deficiencies just mentioned in the Goodacre reference, and thus no combination of these two patents, even if for other reasons permissible, cannot be performed successfully to produce applicant's claimed structure. Moreover, even "in its own right", the Thomas patent does not show or suggest anything remotely resembling applicant's deployable, load-support-deck-coplanar, lateral extension, particularly as that extension is now more specifically recited in currently amended claim 2.

Currently amended claim 1 has been changed, in addition to the manner expressed above in relation to the recited cage-like structure, to define certain relevant sides of applicant's transporter, and further to define, with greater particularity, an overhead load-support deck structure which includes, on the fork-receiving side of the transporter, upwardly extending load-stop risers that block the opportunity for a load inadvertently to shift laterally off of the load-support deck structure toward the fork-receiving side of the transporter.

Currently amended claim 2 now possesses added language which further distinguishingly defines the deck structure provided in the transporter of this invention, and additionally gives a further-distinguishingly more detailed description of the recited, deployable lateral extension.

Claim 5 has been currently amended to change its dependency from cancelled claim 4 to currently amended claim 2, and to provide further definition relating to the claimed load-support deck structure.

Accordingly, and for the reasons stated above, all of applicant's claims now

remaining in this case, on the basis of entry of the present Amendment, clearly distinguish applicant's transporter invention, in all ways, over the two cited and applied prior art references. No longer should there be any doubt in the Examiner's mind that currently amended claim 1 is not anticipated by the Goodacre reference. The same is certainly true also now with respect to currently amended claims 2 and 5, which depend ultimately from currently amended claim 1. As mentioned above, nothing in the secondary Thomas reference mends major deficiency characteristics of the Goodacre reference in any manner which would support an appropriate and sustainable obviousness rejection of any of applicant's claims.

Accordingly, favorable reconsideration of this application, and allowance of all remaining claims therein, are respectfully solicited. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact Attorney-of-Record Jon M. Dickinson, Esq., at 503-504-2271.

Provisional Request for Extension of time in Which to Respond

Should this response be deemed to be untimely, Applicants hereby request an extension of time under 37 C.F.R. § 1.136. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Account No. 22-0258.

Customer Number

56703

Respectfully Submitted,

ROBERT D. VARITZ, P.C.

Registration No: 31436
Telephone: 503-720-1983
Facsimile: 503-233-7730

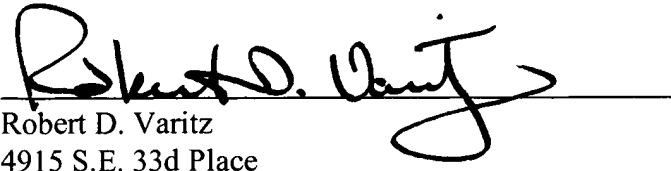

Robert D. Varitz
4915 S.E. 33d Place
Portland, Oregon 97202



Fig. 1

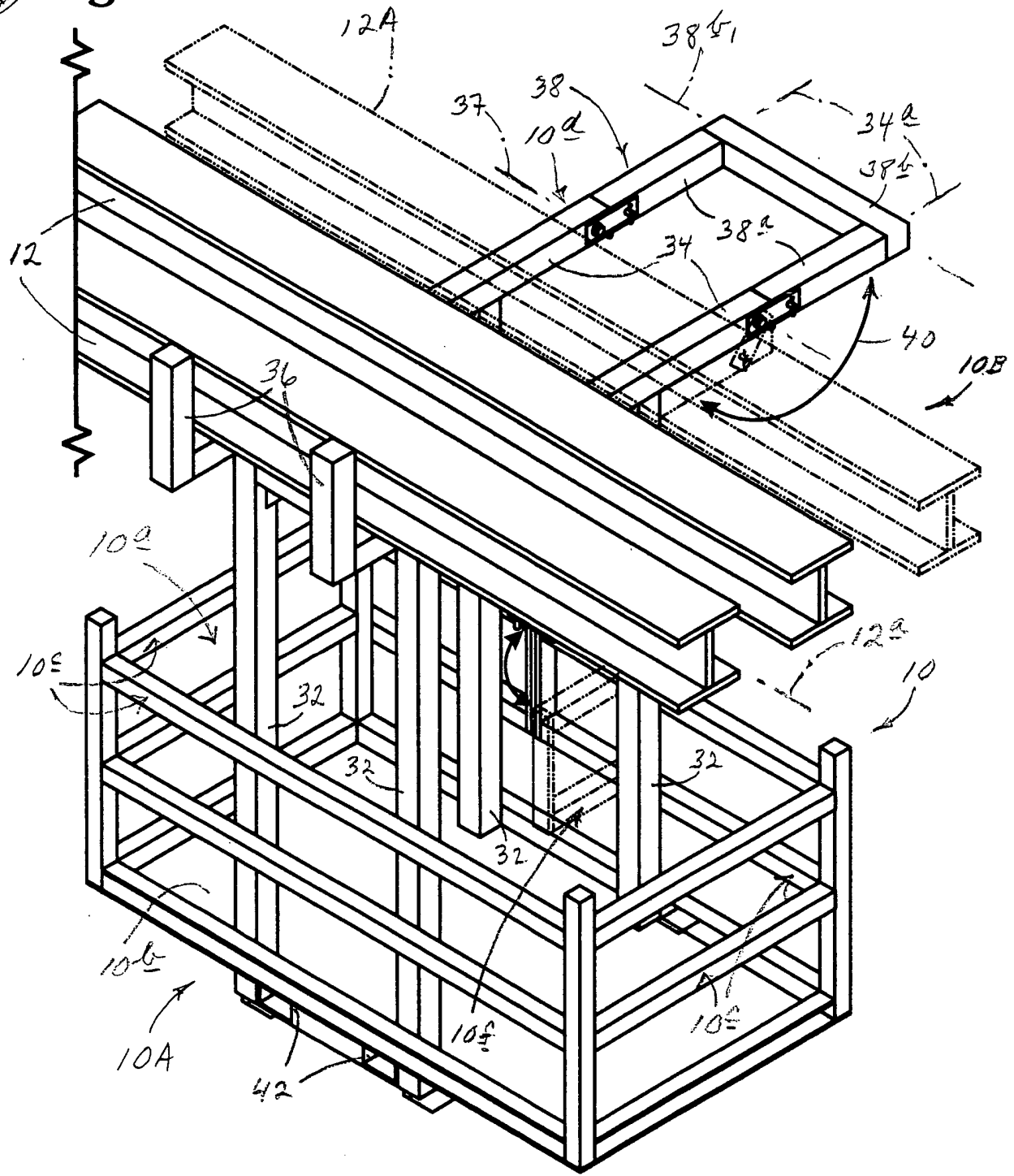




Fig. 3

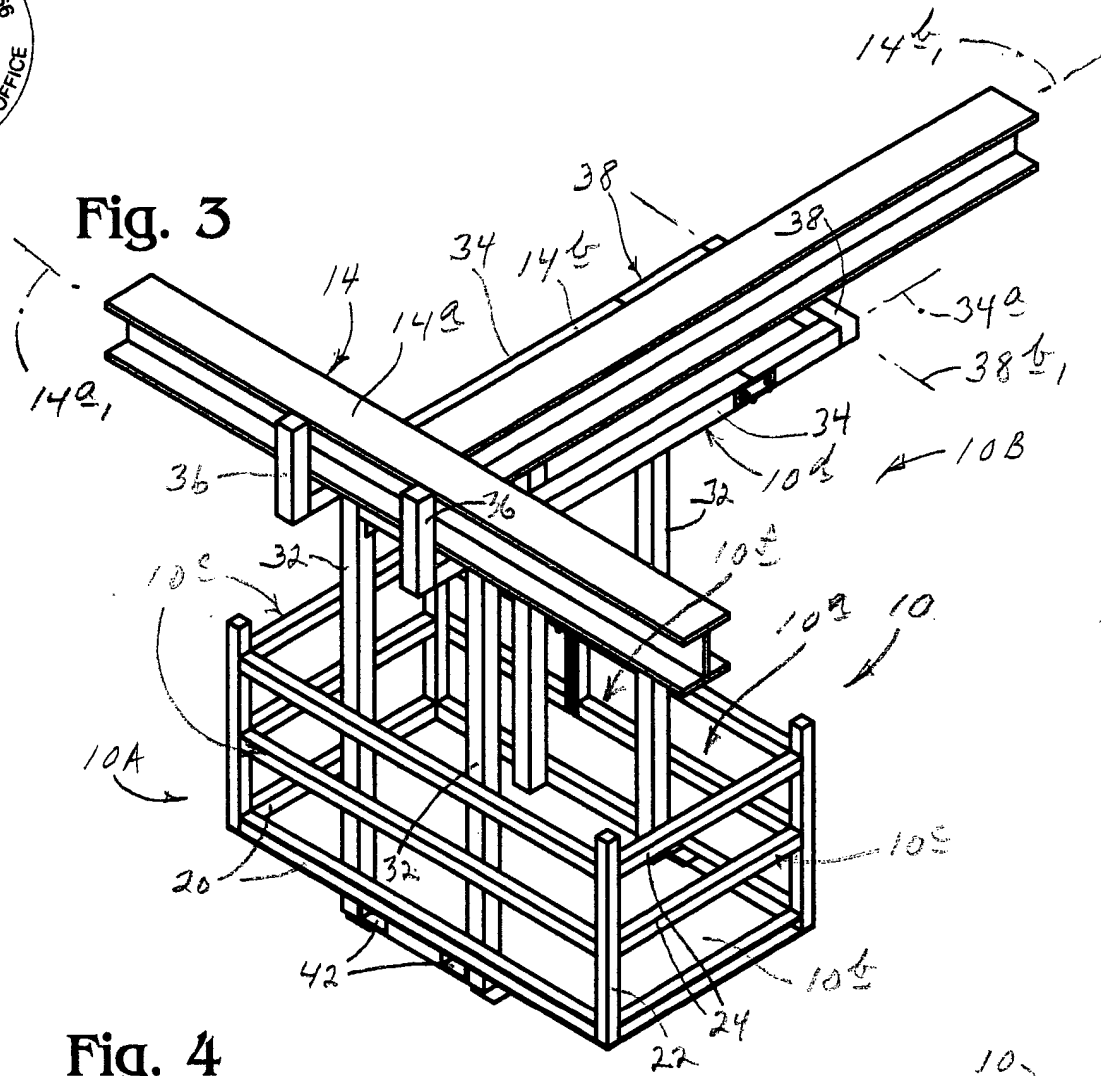


Fig. 4

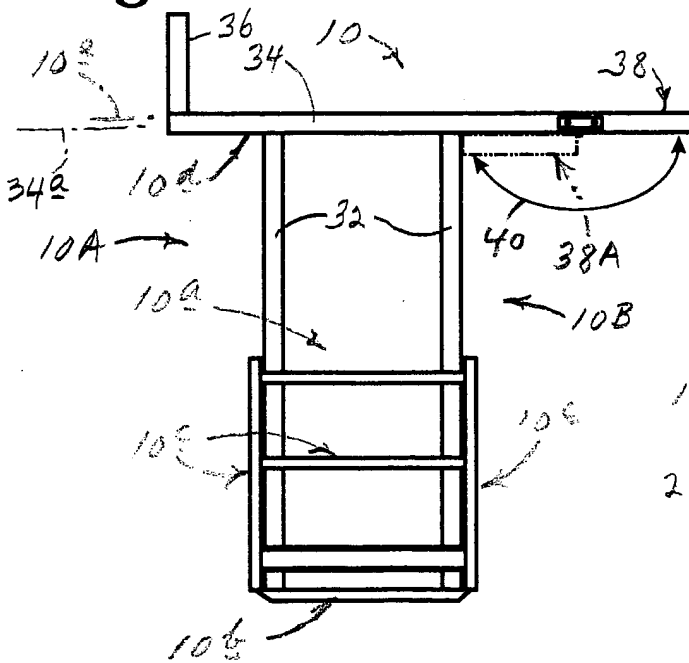


Fig. 5

